

United States District Court

E-FILING

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 JUN 25 P 3:37

UNITED STATES OF AMERICA

V.

Alfonso ROMERO-Zepeda
(Name and Address of Defendant)RICHARD W. WIEKING
CLERK

CRIMINAL COMPLAINT

08-70386 - 113

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 17, 2008, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: _____

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

6/25/08
Date

at

San Jose, California
City and StateRichard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: ROMERO-Zepeda, Alfonso A97 890 365

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

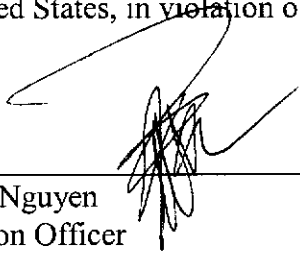
- (1) Mr. ROMERO-Zepeda is a 39-year-old male who has used sixteen (16) aliases and three (3) dates of birth in the past.
- (2) Mr. ROMERO-Zepeda has been assigned one (1) Alien Registration number of A97 890 365, FBI number of 590515HA0, California Criminal Information Index number of A08601788, and a Santa Clara County Personal File Number of CJN758.
- (3) Mr. ROMERO-Zepeda is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
September 28, 2004	Nogales, AZ
December 13, 2004	Nogales, AZ

- (4) Mr. ROMERO-Zepeda last entered the United States at or near San Ysidro, CA on or after December 13, 2004, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. ROMERO-Zepeda on a date unknown, but no later than May 17, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 21, 2008, Mr. ROMERO-Zepeda was interviewed by Immigration Enforcement Agent (IEA) David Vargas at the Santa Clara County Jail, Milpitas, CA, and during that interview, Mr. ROMERO-Zepeda was advised of his **Miranda** rights in Spanish. Mr. ROMERO-Zepeda waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: ROMERO-Zepeda, Alfonso A97 890 365

- (6) Mr. ROMERO-Zepeda was, on December 22, 1987, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to six (6) months in jail.
- (7) Mr. ROMERO-Zepeda was, on September 4, 1997, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION CONTROLLED SUBSTANCE FOR SALE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to one hundred and four (104) days in jail.
- (8) Mr. ROMERO-Zepeda was, on September 17, 1997, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of BATTERY, a misdemeanor, in violation of Section 242/243(a) of the California Penal Code, and was sentenced to twenty (20) days in jail.
- (9) Mr. ROMERO-Zepeda was, on October 4, 2004, convicted in the United States District Court, District of Arizona, for the offense of ILLEGAL ENTRY, a petty offense, in violation of Title 8 United States Code, Section 1325, and was sentenced to seventy five (75) days in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. ROMERO-Zepeda illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 25th day of June, 2008



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE